

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Energizer Brands, LLC,

Plaintiff,

- against -

Duracell U.S. Operations, Inc.,

Defendant.

Case No. 19-cv-09061-JPO

Duracell U.S. Operations, Inc.,

Counterclaim Plaintiff,

- against -

Energizer Brands, LLC,

Counterclaim  
Defendant.

**NOTICE OF MOTION TO DISMISS**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum of Law, Defendant and Counterclaim-Plaintiff Duracell U.S. Operations, Inc. will move this Court, before the Honorable J. Paul Oetken, United States District Judge for the Southern District of New York, on a date and at a time to be determined by the Court, at the United States Courthouse, 40 Foley Square, New York, New York, for an order dismissing with prejudice all claims asserted in Plaintiff and Counterclaim-Defendant Energizer Brands LLC's Amended Complaint dated September 15, 2020, ECF No. 23, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other relief as the Court may deem just and proper. The grounds for this motion are set forth in the accompanying Memorandum of Law.

Dated: New York, New York  
September 29, 2020

Respectfully submitted,

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By: /s/ Andrew Gordon

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